

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILFRED LABOSSIERE,

Plaintiff,

v.

DOWNSTATE CORRECTIONAL FACILITY,  
JOHN DOE (OFFICER) BLOCK OFFICER OF  
BLOCK 3 TO 11 SHIFT ON JULY 13, 2019,  
and N. BAXTER,

Defendants.

No. 21-CV-10538 (KMK)

Valentin Order

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is currently incarcerated at Sing Sing Correctional Facility, brings this pro se action under 42 U.S.C. § 1983, alleging that Defendants violated his rights when he was incarcerated at Downstate Correctional Facility (“Downstate”). On February 24, 2022, the Court directed the U.S. Marshals Service to serve Defendant N. Baxter (“Baxter”) at Downstate. (*See* Dkt. No. 11.) On May 23, 2022, however, the Marshals Service returned the Process Receipt and Return of Service form for Baxter unexecuted, indicating that Downstate has been closed. (*See* Dkt. No. 14.)

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying an unidentified defendant. 121 F.3d 72, 76 (2d Cir. 1997). Because Baxter is an employee of the New York State Department of Corrections and Community Supervision (“DOCCS”), the Court directs the Attorney General of the State of New York, who is the attorney for and agent of DOCCS, to provide an address where Baxter may be served.<sup>1</sup> The

---

<sup>1</sup> If Baxter is a former DOCCS employee or official, the New York State Attorney General must provide a residential address where the individual may be served.

Attorney General must provide this information to Plaintiff and the Court within sixty days of the date of this order.

Upon receipt of this information, the Court will issue an order directing the Clerk of Court to complete the USM-285 form with the address for Baxter and deliver all documents necessary to effect service to the U.S. Marshals Service.

Conclusion

The Court directs the Attorney General of the State of New York to provide an address where Baxter may be served within sixty days of the date of this order.

The Clerk of Court is directed to mail a copy of this Order and the complaint to the Attorney General of the State of New York at: 28 Liberty Street, New York, New York 10005. The Clerk of Court is additionally instructed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: June 14, 2022  
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', is written over a horizontal line.

KENNETH M. KARAS  
United States District Judge